

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH T. TOWNS,

Plaintiff,

No. CIV S-04-1855 KJM-EFB

VS.

AMERIQUEST MORTGAGE CO.; et al.,

Defendants.

ORDER

The court entered an order to show cause on August 4, 2011 in the above-mentioned case.

captioned matter, ordering plaintiff to show cause within fourteen days why sanctions should not be imposed against him or his counsel for failure to comply with Local Rule 230(c) and why this case should not be dismissed for failure to prosecute. (ECF 90.) Plaintiff has not filed a response, timely or otherwise.

“[A] federal district court has the inherent power to dismiss a case *sua sponte* for failure to prosecute” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 49 (1991). Local Rule 110 states: “Failure of counsel or a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

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1 A cursory review of the docket is sufficient to show that plaintiff has wholly
2 failed to comply with the court's order or otherwise to prosecute this case; the last action taken
3 by plaintiff was his request for substitution of attorney, filed on December 21, 2010. (ECF 77.)

4 Accordingly, it is hereby ORDERED:

5 1) This case is DISMISSED WITH PREJUDICE;

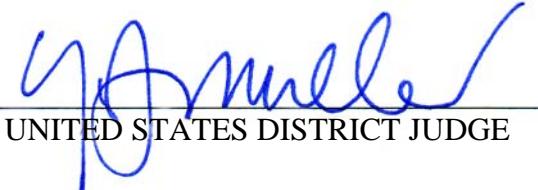
6 2) Plaintiff's counsel will pay sanctions in the amount of \$250.00 for his
7 failure to file a response to the order to show cause filed on August 4,
8 2011. Payment should be in the form of a check made payable to the Clerk
9 of the Court. The sum is to be paid personally by plaintiff's counsel not
10 later than fourteen (14) days from the filing of this order;

11 3) Defendants' motion for summary judgment (ECF 87) is DENIED as moot;
12 and

13 4) This case is CLOSED.

14 IT IS SO ORDERED.

15 DATED: September 2, 2011.

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17 UNITED STATES DISTRICT JUDGE
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